

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11610-RGS

VISIBLE SYSTEMS CORPORATION

v.

UNISYS CORPORATION

ORDER RE MOTION FOR
SETTLEMENT OF RECORD

March 3, 2008

STEARNS, D.J.

The motion is ALLOWED to the extent that the court has, as requested by plaintiff Visible Systems Corporation, inquired of the court reporters as to the existence of transcripts of the conferences held in chambers prior to the beginning of trial on July 23, 2007, and July 25, 2007. They report that there are none.¹ In all other respects, the motion is DENIED. The court agrees with defendant Unisys Corporation that Rule 10(c) of the Federal Rules of Appellate Procedure is inapposite as chambers conferences are not “hearings or trials,” as the Rule contemplates. Moreover, the court has no independent notes of its own that would permit it to verify the accuracy of the recitation set out in plaintiff’s “Statement of Proceedings.”

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE

¹This is consistent with the court's practice of not conducting chambers conferences in civil cases on the record unless requested to do so for good cause by the parties.

